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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,045	10/29/1999	DAVID CARROLL CROMWELL	7000-045	6702
27820	7590	11/30/2004		
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			EXAMINER NGUYEN, DUSTIN	
			ART UNIT 2154	PAPER NUMBER

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/430,045		CROMWELL ET AL.	
	Examiner		Art Unit	
	Dustin Nguyen		2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 36-45 and 52-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 36-45 and 52-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/18/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAIL ACTION

1. Claims 1 – 19, 36 – 45, 52 - 69 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 08/17/2004 have been fully considered but they are not persuasive.

3. In response to applicant's argument that Abecassis [6,408,128] is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, in response to the first part of the analogousness test, Abecassis discloses the network architecture of his invention [Figure 4; and col 11, lines 60-col 13, lines 50], and particularly discloses the network enable the transmission of digital, studio-quality video through telecommunications networks [col 13, lines 51-61]. In response to the second part of analogousness test, Abecassis discloses a distributing network announcements from a central location [i.e. service providers, central video services providers] [col 12, lines 49-col 13, lines 13].

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4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to combine the references because the announcement of Anderson would add to the system of Abecassis the capability for efficiently previewing automated the selected segments from the video [Abecassis, col 2, lines 42-48].

5. As per remarks, Applicants' argued that (1) Abecassis does not teach at least an audio identifier as recited in claim 1.

6. As to point (1), Abecassis discloses at least an audio identifier [i.e. identify segment by its content code and the association of video segment and audio segments] [col 16, lines 13-36] and the video's identifier [col 28, lines 15-21].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 5-9, 12-19, 36, 39-45, 52, 55, 57-69, are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis [US Patent No 6,408,128], in view of Anderson et al. [US Patent No 4,545,043].

9. As per claim 1, Abecassis discloses the invention substantially as claimed including a sequence processor for providing access to a sequence of audio segments accessible by an audio server, the sequence processor comprising computer-executable instructions embodied in a computer-readable medium for performing steps comprising:

receiving a request for playing the sequence of audio segments [Abstract; col 4, lines 64-67; col 16, lines 13-18; and col 41, lines 4-8], the sequence being identified by an audio identifier [col 10, lines 24-38 and lines 51-59; and col 23, lines 33-38];

locating, in an audio server database, the sequence of audio segments based on the audio identifier [col 12, lines 28-43; and col 16, lines 59-64].

Abecassis does not specifically disclose
the sequence of audio segments comprising at least portions of network-related announcements to be played to a recipient; and
playing the sequence of audio segments to the recipient so that the recipient is apprised of at least one network-related announcement.

Anderson discloses

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the sequence of audio segments comprising at least portions of network-related announcements to be played to a recipient [col 1, lines 6-15; and col 5, lines 39-46]; and

playing the sequence of audio segments to the recipient so that the recipient is apprised of at least one network-related announcement [Abstract; and col 5, lines 22-25].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Abecassis and Anderson because Anderson's teaching of network-related announcement would allow announcement information to be transmitted to customers in real-time [Anderson, col 1, lines 13-16].

10. As per claim 5, Abecassis discloses receiving a request for playing the sequence of audio segments wherein at least one of the audio segments is a variable [col 4, lines 64-67; and col 11, lines 30-33].

11. As per claim 6, Abecassis discloses resolving the variable into an audio data segment [col 20, lines 1-38].

12. As per claim 7, it is rejected for similar reasons as stated above in claim 1. Furthermore, Abecassis discloses a selector for specifying a member of the set corresponding to the audio segment [col 26, lines 23-28] and selecting the audio segment to be played based on the audio identifier and the selector [col 2, lines 1-6].

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13. As per claim 8, Abecassis discloses the set contains a plurality of levels of audio data qualifiers [col 16, lines 59-col 17, lines 16] and the selector specifies a path through the levels that leads to the member corresponding to the audio segment to be played [i.e. retrieval path] [col 68, lines 24-31].

14. As per claim 9, Abecassis discloses the set contains a plurality of levels of audio data qualifiers and the selector specifies a partial path through the levels and selecting the audio data segment to be played includes traversing the levels in the order specified by the selector and supplying default paths through levels not specified by the selector [Figure 17H; col 68, lines 24-31; and col 42, lines 14-29].

15. As per claim 12, it is rejected for similar reasons as stated above in claims 1, 5 and 6. Furthermore, Abecassis discloses determining whether the variable is an embedded variable [Figures 6A-E] and playing the sequence including the variable [col 21, lines 58-65].

16. As per claim 13, Abecassis discloses in response to determining that the variable is not an embedded variable, resolving the variable into at least one audio data segment based on at least one of type, subtype, and value of the variable [i.e. default] [col 42, lines 14-29].

17. As per claim 14, Abecassis discloses the variable is Multilanguage variable and wherein resolving the variable includes selecting audio data segments to be played based on a language specified by the variable [col 51, lines 15-40].

18. As per claim 15, it is rejected for similar reasons as stated above in claim 14.
19. As per claims 16-19, they are rejected for similar reasons as stated above in claims 5-7.
20. As per claim 36, it is rejected for similar reasons as stated above in claim 1.
21. As per claim 39, it is rejected for similar reasons as stated above in claims 5 and 6.
22. As per claim 40, it is rejected for similar reasons as stated above in claim 7.
23. As per claim 41, it is rejected for similar reasons as stated above in claims 8 and 9.
24. As per claim 42, it is rejected for similar reasons as stated above in claims 8 and 9.
Furthermore, Abecassis discloses the selector specifies a partial path through the levels [i.e. mix] [col 20, lines 39-47].
25. As per claim 43, it is rejected for similar reasons as stated above in claims 1, 5, 6 and 14.
26. As per claim 44, Abecassis discloses means for selecting audio segments having inflections in accordance with the language specified in the request [i.e. language preferences] [col 51, lines 15-25].

28. As per claim 45, it is rejected for similar reasons as stated above in claim 7.

29. As per claim 52, it is a method claimed of claim 1, it is rejected for similar reasons as stated above in claim 1.

30. As per claim 55, it is method claimed of claim 7, it is rejected for similar reasons as stated above in claim 7.

31. As per claims 57 and 58, they are rejected for similar reasons as stated above in claims 8 and 9.

32. As per claim 59, it is rejected for similar reasons as stated above in claim 12.

33. As per claim 60, it is rejected for similar reasons as stated above in claim 1. Furthermore, Abecassis discloses an interface card, an audio server database embodied in a memory device, and a processor [col 12, lines 14-48].

34. As per claim 61, Abecassis discloses at least one digital signal processing (DSP) card for converting the sequences of audio data segments extracted from the audio server database into a format for playing to the recipient [col 8, lines 34-45; and col 9, lines 9-17].

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35. As per claim 62, it is rejected for similar reasons as stated above in claim 7.
36. As per claim 63, it is rejected for similar reasons as stated above in claims 1, 5 and 6.
37. As per claim 64, it is rejected for similar reasons as stated above in claim 1.
38. As per claim 65, it is rejected for similar reasons as stated above in claim 7.
39. As per claim 66, it is rejected for similar reasons as stated above in claims 5 and 6.
40. As per claims 67-69, they are rejected for similar reasons as stated above in claims 1, 5-7.
41. Claims 2-4, 10, 11, 37, 38, 53, 54, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis [US Patent No 6,408,128], in view of Anderson et al. [US Patent No 4,545,043], and further in view of Kalmanek, Jr. et al. [US Patent No 6,483,912].
42. As per claim 2, Abecassis and Anderson do not specifically disclose receiving a request from a media gateway control protocol (MGCP) call agent. Kalmanek discloses receiving a request from a media gateway control protocol (MGCP) call agent [Figure 1; and col 6, lines 54-67]. It would have been obvious to a person skill in the art at the time the invention was made

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to combine the teaching of Abecassis, Anderson and Kalmanek because Kalmanek's teaching of MGCP would provide devices to communicate in a more efficient manner.

43. As per claim 3, Kalmanek discloses receiving an MGCP NotifyRequest command from the call agent [col 15, lines 23-34].

44. As per claim 4, Kalmanek discloses transmitting audio data packets to a gateway over a packet-based network, and wherein the gateway plays the sequence [130, Figure 1; and col 3, lines 61-67].

45. As per claims 10 and 11, they are rejected for similar reasons as stated above in claims 2 and 3.

46. As per claims 37 and 38, they are rejected for similar reasons as stated above in claims 2 and 4.

47. As per claim 53, it is a method claimed of claim 2, it is rejected for similar reasons as stated above in claim 2.

48. As per claim 54, it is a method claimed of claim 4, it is rejected for similar reasons as stated above in claim 4.

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49. As per claim 56, it is method claimed of claim 2, it is rejected for similar reasons as stated above in claim 2.

50. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Dustin Nguyen
Examiner
Art Unit 2154